

57-25-111 Enforcement of environmental covenant.

- (1) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by:
 - (a) a party to the covenant;
 - (b) the agency;
 - (c) any person to whom the covenant expressly grants power to enforce;
 - (d) a person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the covenant; or
 - (e) a municipality or other unit of local government in which the real property subject to the covenant is located.
- (2) This chapter does not limit the regulatory authority of the agency under law other than this chapter with respect to an environmental response project.
- (3) A person is not responsible for or subject to liability for environmental remediation solely because the person has the right to enforce an environmental covenant.
- (4) In addition to Subsection (1), an agency may recover its costs for actions which, in its discretion, it may take to enforce or protect the environmental covenant.

Enacted by Chapter 51, 2006 General Session